

**STILLWATER COUNTY PLANNING BOARD  
MINUTES OF MEETING**

Wednesday, May 5<sup>th</sup>, 2021 at 7:00p.m.  
Stillwater County Pavilion  
328 5<sup>th</sup> Avenue N., Columbus, MT

**BOARD MEMBERS PRESENT:** Carolyn Hutson, Dan Sayer, Bob VanOosten, Gary Enstrom, Steve Arnold; Curtis Jacobs, Jerry Edwards and Ray Karls

**BOARD MEMBERS NOT PRESENT:** Dennis Gerke

**STAFF:** Forrest Mandeville, Stephanie Ray, and Christine Baker

**OTHERS:** Barbra Kem, Kenneth Kem, Kisha Miller, Lee Cornell, Isaac Cookingham, Jeremy Eaton, Vance Drain, Amy Drain, Benjamin Georgeson

**I. CALL TO ORDER.** Ray Karls, President of the board called the meeting to order at 7:00 p.m.

**A. Public Comments.** Nothing at this time

**B. Disclosures of Conflicts of Interest and Ex-Parte Communications.** Nothing at this time.

**II. MINUTES:**

**A. Minutes:** Gary made a motion to approve the draft minutes from the April 7<sup>th</sup>, 2021 County Planning Board Meeting, Jerry seconded; with all in favor, motion passed.

**III. NEW BUSINESS:**

**A. Buildings for Lease or Rent Application, Stillwater Storage.** Forrest provided a staff report on the Buildings for Lease or Rent Application (BLR) for Stillwater Storage. Engineering West, on behalf of Greg Burk, has submitted a Building for Lease or Rent (BLR) application and materials for Stillwater Storage, a proposed storage facility. The proposed storage facility would create a 111-unit storage facility, plus an office and connected shop. The facility would be accessed from Gates Road via Sheep Dip Road, north of Columbus, approximately 0.75 miles from the I-90 access. The property is legally described as Lot A-1-B, COS 368945, located in Section 16, T 2 S, R 20 E, P.M.M., Stillwater County. The property has been previously used as open storage for RVs and Boats.

The proposal must comply with the BLR Regulations, and avoid or minimize potential significant impacts on the physical environment and human population affected by the proposal. The application complies with the Regulations with the exception that the

applicant has requested the review fee of \$5,550 (\$200 plus \$50 per unit in excess of three) be adjusted to reflect a payment based on the total number of buildings instead of the number of units.

The application and regulations are clear in the interpretation that the fee is to be calculated on lot or unit in excess of three. Furthermore, the enabling statute (Montana Code Annotated, Title 76, Chapter defines “building” as “a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business.” Staff therefore believes that the fee was interpreted and calculated appropriately. However, staff would be receptive to a partial reimbursement to ensure the reviewing costs to the County is commensurate with the fee charged.

Impacts to the physical environment and human population will likely be from additional traffic on Gates Road and Sheep Dip Road, viewsheds, lighting, drainage, and noxious weed control. Sheep Dip Road is a County-owned and maintained road, providing access to commercial uses, public uses, area residents, and agricultural lands. Most of the commercial and public land is located closer to the interstate access, with a transition to rural residential uses near the project area. Sheep Dip Road is paved at the intersection with Gates Road. Gates Road is a private, gravel road. The applicant reports that use of the storage units, including the larger units, will be limited to personal storage use, and that no business will be allowed to operate on site. The restriction on businesses operating out of the storage units should help minimize traffic to and from the site, as well as a requirement limiting storage unit sales. Requiring the applicant pave a 20-foot long section of Gates Road to the intersection with Sheep Dip Road will mitigate adverse impacts on the structural integrity of the County road.

Existing viewsheds may be impacted by the additional buildings on the site, as well as any signage. The proposed buildings are only set back from the east and south property lines by 2 and 3 feet, respectively. The applicant has stated that setbacks cannot be expanded without losing building size due to a gas line that runs through the site. Interstate 90 borders the property to the south, but the west, north and east are residential areas. The applicant has stated the site will be fenced with a “decorative security fence (no chain link)”. A requirement that the site be fenced should help mitigate adverse impacts on area views. There are no current County regulations requiring certain setbacks, height limits, or on-site signage restrictions. However, a requirement prohibiting outside storage would help mitigate concerns about adverse impacts on area views. The applicant has stated that floodlights will be located throughout the complex. While lighting is necessary for security, it should be downward facing to avoid proliferation of light pollution, and lights should not be directed onto surrounding properties. There is a recommended condition to this effect. The developer should coordinate with the Weed District to inspect the property, and a noxious weed management plan should be entered into. The Montana Department of Transportation was contacted for comment and reported no comments or concerns with the proposed development. system is proposed. DEQ review will also cover solid waste and stormwater provisions. As long as DEQ approval is obtained and any conditions adhered to, the development should have adequate facilities. Access is provided from Gates Road, a private road with access onto Sheep Dip Road, which is County owned and maintained. The site plan includes a security gate and 24-foot wide

approach from Gates Road at the entrance. The site is within the service area of the Columbus Fire/Rescue Department and the Stillwater County Sheriff's Office. Chief Rich Cowger reports Columbus Fire/Rescue can respond to the site within 5 minutes of dispatch. The applicant also provided information that Chief Cowger did not feel on-site fire protection would be needed, as there is a fire hydrant within a half-mile from the site on the north side of Sheep Dip Road.

No comments necessitating additional mitigation were provided by the Sheriff Department. There is floodplain associated with Dry Creek to the north and west of this site, but it does not appear to be mapped as extending onto the subject property.

**Public Comment.** Several Adjacent property owners were in attendance and voiced their concerns with the proposed development. Vance Drain had contacted the Planning Office on May 4<sup>th</sup> after receiving a letter from the Planning Department regarding the proposed storage units. Vance was concerned about the size and condition of Gates Road and wanted to know if it will be widened for 2- way traffic for safe access. Vance asked about the site drainage and possible run-off from roofs that would negatively impact his property. Vance was also worried about the site grading, reclamation and building setbacks. Jeremy Eaton from Engineering West stated that the current plan for Gates Road is instead of paving a portion of the road, they would prefer to apply magnesium chloride. Kisha Miller, a neighboring property owner, stated that magnesium chloride would be preferred for drainage purposes. Board discussion focused on magnesium chloride not providing the same level of protection to the paved connection to Sheep Dip Road as well as not having a maintenance agreement or plan for continued application. Vance stated that he felt that the proposed site plan included too many units and recommended that removal of some of these units would allow the setbacks to increase from 2 feet to a more manageable 8 feet. Adjacent property owners Ben Georgeson and Vance Drain both noted that their wells were not shown on the layout. Adjacent land owner Kenneth Kem pointed out that there was a shed sitting on the gas-line easement. Kenneth was also upset that development had already started as there were materials onsite and ground movement. Kenneth wanted to know how development was already in progress on a project that wasn't yet approved. Barbra Kem questioned about the use of the shop building and the how it would be used. It was indicated that a construction business was going to operate out of the shop. Staff advised the Board that a business operated by the landowner and not in a leased or rented building is likely outside the scope of the BLR regulations. Public comment continued to center around drainage issues and the negative impact on adjacent properties. (see recording in Planning Office)

**Board Discussion.** Jerry was concerned about the 2- foot setbacks and discussed possibly removing units to increase those setbacks from the property line. Bob & Curtis addressed the drainage issues and the possibility of adding an additional condition to the approval to help minimize run-off on the adjacent landowner properties. Bob made a motion to add a condition of approval that the applicant must demonstrate roof drainage is adequate to protect the adjoining properties, Dan seconded; with all in favor, motion carries.

**Recommendation.** In consideration of the findings, the Planning Board recommends approval of the Stillwater Storage Building for Lease or Rent, subject to the following conditions:

1. Businesses shall not be allowed to operate out of the individual storage units.
2. There shall be no outside storage or storage unit sales permitted on site.
3. DEQ review and approval of new water, wastewater, stormwater drainage, and solid waste provisions is required.
4. Prior to business operation, a 20-foot long section of Gates Road should be paved at the intersection with Sheep Dip Road.
5. The site shall be fenced with a decorative security fence, not chain link.
6. Lights shall be downward facing and not directed onto surrounding properties.
7. A noxious weed management plan shall be entered into with the County Weed District, and any provisions thereof shall be adhered to.
8. The applicant must demonstrate the roof drainage system is adequate to protect adjoining properties, either through a gutter system, roof angles, greater setbacks, swales, or other appropriate means.

Bob made a motion for conditional approval, Jerry seconded; with all in favor, motion carries

**IV. OLD BUSINESS:**

- A. **County Zoning/Development Regulations Update on Status:** Forrest provided an update on the proposed County Zoning/Development Regulations. Forrest stated that Staff had a work session with the Board of County Commissioners a few weeks ago. The Commissioners would like to see the Zoning Commission and Board of Adjustment as separate boards. Forrest said that the Commissioners added a few minor changes such as extending the public notification process and extending the scenic corridor for signage to Nye. All changes are redlined and available for view on the County website.

**V. ADJOURN:** Gary made a motion to adjourn the meeting at 8:39 p.m., Jerry seconded; motion passed.

The next meeting will be on June 2<sup>nd</sup>, 2021 at 7:00 p.m. at the Pavilion.

Christine Baker, Planning